

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 29 and 56 have been cancelled. A showing under 37 C.F.R. §1.116(b) is not believed to be needed and entry of the amendment is respectfully requested, because the present amendment merely reduces the number of issues by cancelling claims 29 and 56.

1. 35 U.S.C. §102 rejection of claims 29 and 56

Claims 29 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Margolis et al. (US-5,230,937). As discussed above, claims 29 and 56 have been cancelled. Accordingly, withdrawal of the 35 U.S.C. §102 rejection is respectfully requested.

2. 35 U.S.C. §103(a) rejection of claims 1, 12-13, 17 and 23-25

Claims 1, 12-13, 17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer (Neurology Today, October 2002; 2(1): 26, 28) in view of Kleesiek (WO01/49831) and further in view of Jen et al. (Stem Cells 2000; 18:307-319).

Claims 1, 12-13, 17, and 23-25 are patentable over Moyer in view of Kleesiek and Jen et al. because Moyer is not prior art. The declaration under 37 CFR §1.131 filed on January 16, 2007 in response to the October 17, 2006 Office Action indicates: (1) the present Application was filed October 31, 2003; (2) the present Application claims priority from U.S. Provisional Application Serial No. 60/423,082, filed November 1, 2002, and U.S. Provisional Application Serial No. 60/471,447, filed

May 16, 2003; and (3) prior to April 11, 2002, the inventors of the present invention had reduced to practice a method of reducing GAG content in a glial scar comprising inhibiting one or more of the following: inhibiting the expression of primary proteoglycans; inhibiting the expression and/or activity of a chain initiation enzyme; and inhibiting the expression and/or activity of a chain elongation enzyme. Moyer was published on October 22, 2002, which is after the April 11, 2002 date claimed for priority in the declaration. Therefore, Moyer is not prior art because the application was filed within one year of the publication of Moyer and the Applicants' claim priority prior to the publication date of Moyer.

Additionally, Moyer is not prior art because Moyer discloses the Applicants' own work within one year before the present Application's priority date. As discussed above, the present application claims priority from U.S. Provisional Application Serial No. 60/423,082, filed November 1, 2002. The content of Moyer, which the Office Action relies on, is indicated in Moyer as being the work of Jerry Silver of Case Western Reserve University of Cleveland, Ohio. Jerry Silver is an inventor of the present application. Thus, Moyer is not prior art against the present application and the Office Action has failed to establish a prima facie case of obviousness. Therefore, withdrawal of the 35 U.S.C. 103(a) rejection of claims 1, 12-13, 17 and 23-25 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the present application is in a condition of allowance and allowance of the present application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this matter to our Deposit Account No. 20-0090.

Respectfully submitted,

/Richard A. Sutkus/

Richard A. Sutkus

Reg. No. 43,941

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 68,705